The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

Board of Registration in Pharmacy
239 Causeway Street, 5th Floor
Boston, MA 02114

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

RONALD PRESTON
SECRETARY

CHRISTINE C. FERGUSON
COMMISSIONER

September 30, 2004

Barry Cadden, R.Ph.
Manager of Record
New England Compounding Center
697 Waverly Street
Framingham, MA 01702

Re: In the Matter of:
In the matter of DS-03-036 and PH-03-042 – New England Compounding Center (Permit # 2848).

Dear Mr.. Cadden:

The Board has voted to resolve the above-referenced cases by means of issuing an Advisory Letter to you and New England Compounding Center. Enclosed for your record is a copy of the final decision letter is the above referenced matter.

Please contact me at (617) 727-6095 if you have any questions regarding this matter.

Sincerely,

Charles R. Young, R.Ph
Executive Director
Massachusetts Board of Registration in Pharmacy
239 Causeway Street, Suite 5
Boston, MA 02114

Enclosure: Advisory Dismissal Letter
Dated: September 30, 2004
Board Decision ID Number:

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health

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COMMISSIONER

Board of Registration in Pharmacy
239 Causeway Street, 5th Floor
Boston, MA 02114
(617) 727-9953

In the Matter of:	)	
New England Compounding	)	
Center	)	
697 Waverly Street	)	
Framingham, MA 01702	)	Docket No. DS-03-036
Registration No. 2848	)	PH-03-042
& Barry Cadden, R.Ph.	)	
License No.21239	)	
	)	

ADVISORY LETTER

The Board of Registration in Pharmacy ("Board") received reports from a surgical center in Rapid City, SD expressing concern about products being solicited by Barry Cadden, R.Ph., License No. 21239 ("Registrant") and New England Compounding Center, License No. 2848 (the Pharmacy). The investigation revealed that the solicitations were out of state prescriptions for office use and using a form unapproved by the Department of Public Health and Board.

The Board has carefully reviewed the investigative reports and other information provided by the parties regarding the Complaint. The Board determined on September 21, 2004, the Complaint should be resolved by the issuance of this **Advisory Letter** regarding the filling of the prescription in this matter. Although an Advisory Letter does **not** constitute disciplinary action, this letter does communicate the Board's concern regarding the conduct that was the basis for the Complaint. The Board expects a dedicated company response and employee counseling where appropriate to insure that the factors contributing to the complaints are identified and that appropriate quality assurance measures are implemented to reduce the risk of recurrence of this type of incident.

The Board also determined that to close this matter without formal disciplinary action, the Pharmacy must **within thirty days of the date of this letter cease using the**

"purported prescription form", as it is not compliant with 105CMR § 721.030 et seq and G.L. c. 112 § 12D.

Please be advised that any failure of the Pharmacy to comply with any of the terms or conditions of this Advisory Letter may be a basis for the Board to reconsider this matter and reopen the Complaint.

BOARD OF REGISTRATION IN PHARMACY

James T. Devita, R.Ph., President

Date: September 30, 2004

cc: Complainant

Board Dec. No.